

MONTANA LEGISLATIVE HISTORY

Chapter 227 19 99

Bill H _____ S 63 Original bill & history ✓C

H. Committee on Judiciary

Hearing Date(s) 3-3 ✓C

3-8 ✓C

_____C

_____C

Date Out _____C

S. Committee on Judiciary

Hearing Date(s) 1-7 ✓C

1-13 ✓C

_____C

_____C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

SENATE BILL NO. 63

INTRODUCED BY NELSON L

BY REQUEST OF THE BOARD OF CRIME CONTROL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SEXUAL AND VIOLENT OFFENDER REGISTRATION LAW BY CHANGING THE DEFINITIONS OF "SEXUAL OFFENSE" AND "VIOLENT OFFENSE"; PROVIDING THAT CERTAIN SEXUAL OFFENDERS MAY NOT PETITION, AFTER 10 YEARS OF REGISTRATION, FOR AN ORDER RELIEVING THE OFFENDER FROM THE DUTY TO REGISTER; AND AMENDING SECTIONS 46-23-502 AND 46-23-506, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-23-502, MCA, is amended to read:

"46-23-502. Definitions. As used in 46-18-255 and this part, the following definitions apply:

(1) "Department" means the department of corrections provided for in 2-15-2301.

(2) "Mental abnormality" means a congenital or acquired condition that affects the mental, emotional, or volitional capacity of a person in a manner that predisposes the person to the commission of one or more sexual offenses to a degree that makes the person a menace to the health and safety of other persons.

(3) "Personality disorder" means a personality disorder as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association.

(4) "Predatory sexual offense" means a sexual offense committed against a stranger or against a person with whom a relationship has been established or furthered for the primary purpose of victimization.

(5) "Sexual offender evaluator" means a person qualified under rules established by the department to conduct sexual offender and sexually violent predator evaluations.

(6) "Sexual offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-502(3), 45-5-503, 45-5-504(1) (if the victim is under 18 years of age and the offender is 3 or more years older than the victim), 45-5-504(2)(c), 45-5-507 ~~(unless the act occurred between two consenting persons)~~

1 ~~years of age or older~~ (if the victim is under 18 years of age and the offender is 3 or more years older than
2 the victim), or 45-5-625; or

3 (b) any violation of a law of another state or the federal government reasonably equivalent to
4 violation listed in subsection (6)(a).

5 (7) "Sexual or violent offender" means a person who has been convicted of a sexual or violent
6 offense.

7 (8) "Sexually violent predator" means a person who has been convicted of a sexual offense and
8 who suffers from a mental abnormality or a personality disorder that makes the person likely to engage
9 in predatory sexual offenses.

10 (9) "Violent offense" means:

11 (a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-102,
12 45-5-103, 45-5-202, 45-5-206 (third or subsequent offense), 45-5-210, 45-5-301 (~~when if~~ the victim is
13 less than 18 years of age and the offender is not a parent of the victim), 45-5-302, 45-5-303, 45-5-401,
14 45-5-603(1)(b), or 45-6-103; or

15 (b) any violation of a law of another state or the federal government reasonably equivalent to a
16 violation listed in subsection (9)(a)."

17
18 **Section 2.** Section 46-23-506, MCA, is amended to read:

19 "46-23-506. Duration of registration. (1) A sexual offender required to register under this part
20 shall register for the remainder of the offender's life, except as provided in subsection (3) or during a
21 period of time during which the offender is in prison.

22 (2) A violent offender required to register under this part shall register:

23 (a) for the 10 years following release from confinement or, if not confined following sentencing,
24 for the 10 years following the conclusion of the sentencing hearing; or

25 (b) if convicted during the 10-year period provided in subsection (2)(a) of failing to register or keep
26 registration current or of a felony, for the remainder of the offender's life unless relieved of the duty to
27 register as provided in subsection (3).

28 (3) ~~At~~ Except as provided in subsection (5), at any time after 10 years of registration, the
29 offender may petition the sentencing court or the district court for the judicial district in which the
30 offender resides for an order relieving the offender of the duty to register. The petition must be served

on the county attorney in the county where the petition is filed. Prior to a hearing on the petition, the county attorney shall mail a copy of the petition to the victim of the last offense for which the offender was convicted if the victim's address is reasonably available. The court shall consider any written or oral statements of the victim. The court may grant the petition upon finding that:

(a) the offender has remained a law-abiding citizen; and

(b) continued registration is not necessary for public protection and that relief from registration is in the best interests of society. ~~If the offender was designated as a sexually violent predator under 46-23-509, the court is also required to find that the offender no longer suffers from a mental abnormality or personality disorder that makes the offender likely to engage in a predatory sexual offense.~~

(4) The offender may move that all or part of the proceedings in a hearing under subsection (3) be closed to the public, or the judge may close them on the judge's own motion. If a proceeding is closed to the public, the judge shall permit a victim of the offense to be present unless the judge determines that exclusion of the victim is necessary to protect the offender's right of privacy or the safety of the victim. If the victim is present, the judge, at the victim's request, shall permit the presence of an individual to provide support to the victim unless the judge determines that exclusion of the individual is necessary to protect the offender's right to privacy.

(5) Subsection (3) does not apply to an offender who was convicted of:

(a) 45-5-503 if:

(i) the victim was compelled to submit by force, as defined in 45-5-501, against the victim or another; or

(ii) at the time the offense occurred the victim was under 18 years of age and the offender was 3 or more years older than the victim;

(b) 45-5-507 if at the time the offense occurred the victim was under 18 years of age and the offender was 3 or more years older than the victim;

(c) a second or subsequent sexual offense that requires registration; or

(d) a sexual offense and was designated as a sexually violent predator under 46-23-509."

- END -

SENATE BILLS AND RESOLUTIONS

57

1/11	Hearing		
1/12	Committee Executive Action--Bill Passed	11	0
1/12	Committee Report--Bill Passed		
1/13	2nd Reading Passed	42	0
1/14	3rd Reading Passed	50	0
	Transmitted to House		
1/15	Referred to Human Services		
1/22	Hearing		
1/25	Committee Executive Action--Bill Concurred	18	0
1/25	Committee Report--Bill Concurred		
2/06	2nd Reading Concurred	98	1
2/08	3rd Reading Concurred	99	0
	Returned to Senate		
2/08	Sent to Enrolling		
2/09	Returned from Enrolling		
2/10	Signed by President		
2/13	Signed by Speaker		
2/16	Transmitted to Governor		
2/18	Signed by Governor		
2/20	Chapter Number Assigned		
	Chapter Number 28		
	Effective Date: 10/01/1999 - All Sections		

SB 63 Introduced by Nelson

LC0409 Drafter: MacMaster

Revise the Sexual and Violent Offender Registration Law by Changing the Definitions of "Sexual Offense" and "Violent Offense";...

By Request of Board of Crime Control

11/02	Fiscal Note Needed		
12/17	Introduced		
1/04	1st Reading		
1/04	Referred to Judiciary		
1/07	Hearing		
1/14	Committee Executive Action--Bill Passed as Amended	6	1
1/14	Committee Report--Bill Passed as Amended		
1/16	2nd Reading Passed	34	13
1/18	3rd Reading Passed	34	15
	Transmitted to House		
1/19	Referred to Judiciary		
3/03	Hearing		
3/08	Committee Executive Action--Bill Concurred as Amended	15	5
3/09	Committee Report--Bill Concurred as Amended		
3/20	2nd Reading Concurred	76	22
3/22	3rd Reading Concurred	78	20
	Returned to Senate with Amendments		
3/25	2nd Reading House Amendments Concurred	50	0
3/26	3rd Reading Passed as Amended by House	49	0
3/26	Sent to Enrolling		
3/29	Returned from Enrolling		
3/29	Signed by President		
3/29	Signed by Speaker		
3/30	Transmitted to Governor		

SB 56	SPONSOR: McCarthy, Bea	SHORT TITLE: Impose 6-mill levy for funding university system
	REFERRED ON: 12/22/1998	
	FINAL DISPOSITION 02/09/1999 Chapter Number Assigned	
SB 60	SPONSOR: Halligan, Mike	SHORT TITLE: Allow District Court Judges to appoint standing masters
	REFERRED ON: 12/22/1998	HEARD ON: 01/12/1999
	EXECUTIVE ACTION: 01/14/1999	Bill Passed as Amended -- VOTE: 9 - 0
	FINAL DISPOSITION 03/25/1999 Chapter Number Assigned	
SB 63	SPONSOR: Nelson, Linda	SHORT TITLE: Revise sexual and violent offender registration laws
	BY REQUEST OF: Board Of Crime Control	
	REFERRED ON: 01/04/1999	HEARD ON: 01/07/1999
	EXECUTIVE ACTION: 01/14/1999	Bill Passed as Amended -- VOTE: 6 - 1
	FINAL DISPOSITION 04/06/1999 Chapter Number Assigned	
SB 65	SPONSOR: Shea, Debbie	SHORT TITLE: Revise laws governing possession of weapon on school property
	BY REQUEST OF: Department Of Justice	
	REFERRED ON: 01/04/1999	HEARD ON: 01/11/1999
	EXECUTIVE ACTION: 01/16/1999	Bill Passed as Amended -- VOTE: 5 - 3
	FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee	
SB 66	SPONSOR: Bohlinger, John	SHORT TITLE: Include sexual orientation in hate crime laws
	BY REQUEST OF: Department Of Justice	
	REFERRED ON: 01/04/1999	HEARD ON: 01/20/1999
	TABLED ON: 01/22/1999	
	FINAL DISPOSITION 03/01/1999 (S) Missed Deadline for General Bill Transmittal	
SB 75	SPONSOR: Halligan, Mike	SHORT TITLE: Revise laws prohibiting fraud and abuse in health care services
	BY REQUEST OF: Department Of Justice	
	REFERRED ON: 01/04/1999	HEARD ON: 01/25/1999
	EXECUTIVE ACTION: 02/01/1999	Bill Passed as Amended -- VOTE: 5 - 4
	FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee	

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on January 7, 1999
at 9:00 A.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Valencia Lane, Legislative Services Division

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 63, 1/7/1999; SB 32,
1/7/1999; SB 112, 1/7/1999
Executive Action: SB 32

HEARING ON SB 63

Sponsor: 'SEN. LINDA NELSON, SD 49, Medicine Lake

Proponents:

Cathy Kendall, Board of Crime Control
Beth Baker, Department of Justice

Tim Shanks, Police Protection Assoc.

Opponents: None

Opening Statements By the Sponsor:

SENATOR LINDA NELSON, SD 49, Medicine Lake, presented **SB 63**. The primary concern for this bill is to make Montana law consistent with federal law regarding sex offender registration. **EXHIBIT(1)**

Proponents Testimony:

Cathy Kendall, Board of Crime Control, spoke in favor of **SB 63**. **EXHIBIT(1)**

Beth Baker, Department of Justice, said it is important to keep Montana law consistent with laws throughout the country. There are a lot of offenders from out of state moving into Montana. There are problems with how the state's registry applies to other state offenders. Ms. Baker suggested an amendment to the bill, on page 3, line 23, changing the age limit from 18 to 12. Requiring mandatory lifetime registration for all incest offenders even if the victim is 16 or 17 is not consistent with federal law and may complicate the registry. This bill will help protect communities from sexually violent predators and help keep law enforcement informed of offenders in their communities.

Tim Shanks, Police Protection Assoc., spoke in favor of **SB 63**.

{Tape : 1; Side : A; Approx. Time Counter : 9:11 a.m}

Opponents Testimony: None

Questions from Committee Members and Responses:

SENATOR SUE BARTLETT, asked that on page 2, line 12, the term violent offense if being expanded to include judicial officer or peace officer? **Cathy Kendall** said the addition is to conform to federal statute.

SENATOR BARTLETT asked if federal law requires registration for someone who has assaulted a peace officer? **Cathy Kendall** said this was correct.

SENATOR BARTLETT asked why the language on lines 7-9, page 3 is being stricken which deals with petition of an offender who is attempting to get off of the registry list and why is this? **Cathy Kendall** said this is to conform with federal statutes.

SENATOR BARTLETT asked if the Board of Crime Control is in favor of the proposed amendment by changing the age from 18 to 12.

Cathy Kendall said the board would support this suggested change.

SENATOR BARTLETT asked if they change the age to 12, what happens to the period between 12 to 18 where it is still a crime and consent cannot be used as a defense. **Beth Baker** said it will not cause a problem because under section 1, page 2, it is still requiring registration for offenders who commit incest if the victim is under 18 and the offender is 3 years or more older. The person would still be convicted and would have to register, but after ten years could petition to be removed from the registry if the victim was 12 or older. It does not affect the conviction or the registration requirements, just the mandatory lifetime registration.

SENATOR RIC HOLDEN asked why line 30, on page 1 was struck. **Beth Baker** said when that provision was first added there was some reluctance about putting incest in the registration requirements. The change they are making does not change that policy, they are still targeting registration toward offenders who commit offenses against minors. The board of Crime Control wanted to put in the requirements the offender be three years older than the victim so they wouldn't involve situations of consent.

CHAIRMAN LORENTS GROSFIELD asked on page 1, line 29, if this is how the federal law reads about indecent exposure. **Beth Baker** said yes. Federal law seeks registration for any sexual offense against a minor victim.

CHAIRMAN GROSFIELD said if they had an 11 or 12 year old child and an 8 or 9 year old child this satisfies the 3 year limitation. Are children of this age going to be registered for life? **Beth Baker** said no, an offender must have the purpose of arousing or gratifying the person's own sexual desire. Children of that age are not prosecuted under the indecent exposure statute. Also under the youth court act, registration is optional.

Closing by Sponsor:

SENATOR NELSON said there will be no fiscal impact. **EXHIBIT (1)**
She closed on the bill.

{Tape : 1; Side : A; Approx. Time Counter : 9:23 a.m.}

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD** on January 13, 1999
at 9:00 A.M., in Room 108 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Steve Doherty (D)
Sen. Sue Bartlett (D)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Jodi Pauley, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 158, 1/8/1999; SB 165,
1/8/1999
Executive Action: SB 8; SB 20; SB 54; SB 60;
SB 63

HEARING ON SB 158

Sponsor: SENATOR BILL GLASER, SD 8, Huntley

Proponents:

Brenda Nordland, MT Department of Justice

Discussion:

SEN. GRIMES said if they went to any rural high school during feeding season, half of those trucks would have a bale knife in them. He is concerned about making a new class of felons.

SEN. MCNUTT said in his area they use beet knives and student trucks are going to have those knives in them and they are purposely and knowingly there. He said this is a different situation in the rural part of the state and is not a problem.

Substitute Motion: SEN. HALLIGAN made a substitute motion to WITHDRAW HIS MOTION ON SB 65.

Discussion:

SEN. HALLIGAN said perhaps they should wait until they address some of these issues.

EXECUTIVE ACTION ON SB 54

Motion: SEN. HALLIGAN moved that AMENDMENTS FOR SB 54 BE ADOPTED. EXHIBIT(12)

Discussion:

Rick Day, MT Department of Corrections, discussed the amendments. (EXHIBIT 12)

Valencia Lane discussed the amendments. (EXHIBIT 12)

Vote: Motion carried unanimously 9-0.

Motion/Vote: SEN. HALLIGAN moved that SB 54 DO PASS AS AMENDED. Motion carried unanimously 9-0.

{Tape : 2; Side : B; Approx. Time Counter : 11:55 a.m.}

EXECUTIVE ACTION ON SB 63

Discussion:

Beth Baker, MT Department of Justice, referred to the bill and said their questions deal with page 3, line 23 and 24. She said federal law requires lifetime registration for a person that has committed an aggravated sexual offense. This is the reason for the amendment so they can be in compliance with federal law.

EXHIBIT(13)

CHAIRMAN GROSFIELD asked why the three year rule was not in federal law. **Beth Baker** said this was not specifically required. But the Board of Crime Control wants to make sure it is aimed at sex offenders and not innocent acts of children that may be the same age.

CHAIRMAN GROSFIELD asked if this language complies with federal law? **Beth Baker** said it does make it less strict, but will satisfy the Federal Bureau of Justice assistance and will not withhold any of their grant money. **Cathy Kendall, Board of Crime Control**, said there was some concerns about the incest laws, and adding the three years or older satisfies that. She said when they have offenders moving across state lines and jurisdictions, the same rules apply. **EXHIBIT(14)**

Motion/Vote: **SEN. HALLIGAN** moved that **AMENDMENTS FOR SB 63 BE ADOPTED**. Motion carried unanimously 9-0.

Motion: **SEN. HALLIGAN** moved that **SB 63 DO PASS AS AMENDED**.

Discussion:

SEN. HOLDEN said if sex occurs between a 17 year old female and a 20 year old male and they got married later, would that male be registered as a sex offender. **Beth Baker** said incest involves sexual relationships between related people as defined in the statutes. Consent under the incest statute is a defense only if the incest is with a step son or daughter and they are over 18. And it is a felony offense if the victim is under 16 and the offender is three or more years older. They are only talking about conduct that is already criminalized by state law. With the amendment, registration is required for incest whenever the victim is under 18 and defender is 3 or more years older.

SEN. HOLDEN asked if this bill is directed at incest? **Beth Baker** said it is intended to cover all sex offenses against minors. The only two sections that are affected are the indecent exposure and incest sections. Consented sex between unrelated people is not recognized by this.

SEN HOLDEN read page 1, line 30 and why are they striking this? **Beth Baker** said hopefully by striking this they will be consistent with other states. This will eliminate the confusion that offenders have to register in some states and not in others. Right now incest is a crime even with consenting people over 16. She said of the 900 they have on the registry only 75 are incest offenders.

CHAIRMAN GROSFIELD asked if incest between a 17 year old and a 20 year old would not have to have lifetime registration. **Beth Baker** said that was correct.

Vote: Motion carried unanimously 9-0.

EXECUTIVE ACTION ON SB 60

Motion: **SEN. HALLIGAN** moved that **AMENDMENTS FOR SB 60 BE ADOPTED. EXHIBIT(15)**

Discussion:

SEN HALLIGAN explained the amendments. (**EXHIBIT 15**)

Vote: Motion carried unanimously 9-0.

Motion: **SEN. HALLIGAN** moved that **SB 60 DO PASS AS AMENDED.**

Discussion:

SEN. HALLIGAN said this will lessen the need for district court judges and a special master can manage case loads that a judge cannot handle. It can be a permanent or temporary position to deal with certain issues. The county commissioners can grant \$20,000 over the entire year to deal with standing masters and they don't have to spend it if they don't want to.

SEN. MCNUTT said judges can set the wage and they tend to be real liberal on what they spend. **SEN. HALLIGAN** said they would have to pay according to the pay plan in the county.

SEN. HOLDEN asked for clarification on the fiscal note. **SEN. HALLIGAN** said it is at the discretion of the county commissioners, they do not have to do this at all and it takes the fiscal note out of the bill.

SEN. HOLDEN said once a county employee is on board, it is very difficult to release them. If there is a work load problem, why not hire clerical staff that would make cases go through faster.

SEN. HALLIGAN said it is the judges that deal with these cases, not the clerical staff.

SEN. HOLDEN asked if they could put an amendment to have the governing body of the county decide if they want to do this. **Valencia Lane** said they are talking about imposing criminal laws that have a due process and equal protection concerns. What they

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (H) Judiciary -

04:00 PM

-
- SB 63** **SPONSOR:** Nelson, Linda **SHORT TITLE:** Revise sexual and violent offender registration laws
 BY REQUEST OF: Board Of Crime Control
 REFERRED ON: 01/19/1999 **HEARD ON:** 03/03/1999
 EXECUTIVE ACTION: 03/08/1999 Bill Concurred as Amended -- VOTE: 15 - 5
 FINAL DISPOSITION 04/06/1999 Chapter Number Assigned
-
- SB 65** **SPONSOR:** Shea, Debbie **SHORT TITLE:** Revise laws governing possession of weapon on school property
 BY REQUEST OF: Department Of Justice
 REFERRED ON: 01/30/1999 **HEARD ON:** 02/11/1999
 FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee
-
- SB 87** **SPONSOR:** Hargrove, Don **SHORT TITLE:** Revise snowmobile safety act
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/04/1999
 EXECUTIVE ACTION: 03/09/1999 Bill Concurred -- VOTE: 15 - 5
 FINAL DISPOSITION 03/24/1999 Chapter Number Assigned
-
- SB 112** **SPONSOR:** Franklin, Eve **SHORT TITLE:** Revise laws governing identification of criminal offenders
 BY REQUEST OF: Department Of Justice
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/04/1999
 EXECUTIVE ACTION: 03/08/1999 Bill Concurred as Amended -- VOTE: 19 - 1
 FINAL DISPOSITION 03/24/1999 Chapter Number Assigned
-
- SB 128** **SPONSOR:** Christiaens, Chris **SHORT TITLE:** Make permanent the Montana Living Trust Act
 BY REQUEST OF: State Auditor
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/03/1999
 EXECUTIVE ACTION: 03/03/1999 Bill Concurred as Amended -- VOTE: 18 - 2
 FINAL DISPOSITION 03/24/1999 Chapter Number Assigned
-
- SB 153** **SPONSOR:** Halligan, Mike **SHORT TITLE:** Generally revise provisions of the UCC governing secured transactions
 REFERRED ON: 02/20/1999 **HEARD ON:** 03/10/1999
 EXECUTIVE ACTION: 03/26/1999 Bill Concurred as Amended -- VOTE: 16 - 3
 FINAL DISPOSITION 04/15/1999 Chapter Number Assigned
-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 3, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Dan McGee, Vice Chairman (R)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 63, SB 22, SB 122, SB 155,
2/28/1999

Executive Action: SB 22-Tabled, SB 128-Do Concur
as Amended, SB-155-Do Concur,
SB-54 Do Concur as Amended

HEARING ON SB 63

Sponsor:

Senator Nelson presented SB 63.

{Tape : 1; Side : A; Approx. Time Counter : 29 - 55}

Proponents:

Cathy Kendall, Montana Board of Crime Control

{Tape : 1; Side : A; Approx. Time Counter : 55 - 89}

Beth Baker, Dept. of Justice

{Tape : 1; Side : A; Approx. Time Counter : 89 - 143}

EXHIBIT(1)

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 143 - 550}

{Tape : 1; Side : B; Approx. Time Counter : 0 - 55}

Closing by Sponsor:

Senator Nelson made closing statements.

{Tape : 1; Side : B; Approx. Time Counter : 55 - 76}

HEARING ON SB 22

Sponsor:

Senator Mohl presented SB 22.

{Tape : 1; Side : B; Approx. Time Counter : 76 - 92}

Proponents:

Rick Day, Dept of Corrections

Motion: REP. MCGEE moved that SB 112 BE CONCURRED IN AS AMENDED.

Substitute Motion: REP. ANDERSON made a substitute motion that SB 112 BE AMENDED. Motion passes on a voice vote.

Motion/Vote: REP. ANDERSON moved that SB 112 BE CONCURRED IN AS AMENDED. Motion carried 19-1 with Jore voting no.

{Tape : 3; Side : A; Approx. Time Counter : 430 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 391}

EXECUTIVE ACTION ON SB 63

Motion: REP. AHNER moved that SB 63 BE CONCURRED IN.

Motion/Vote: REP. GUTSCHE moved that SB 63 BE AMENDED. Motion carried 16-4 with Curtiss, McGee, Noennig, and Soft voting no.

Motion/Vote: REP. AHNER moved that SB 63 BE AMENDED. Motion carried 14-6 with Clark, Curtiss, Jore, McGee, and Molnar voting no. (am missing the 6th vote no- inaudible on tape and was a voice vote.)

Motion: REP. MCGEE moved that SB 63 BE TABLED. Motion failed on a voice vote.

Motion/Vote: REP. YOUNKIN moved that SB 63 BE AMENDED. Motion carried 18-2 with R. Clark and McGee voting no.

Motion/Vote: REP. YOUNKIN moved that SB 63 BE CONCURRED IN AS AMENDED. Motion carried 15-5 with Curtiss, Hurdle, Jore, McGee, and Molnar voting no.

{Tape : 3; Side : B; Approx. Time Counter : 391 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 550}

{Tape : 4; Side : B; Approx. Time Counter : 0 - 117}

EXHIBIT (2)

Meeting adjourned.